

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SIGLINGER ET AL.

Serial No: 10/057,752

Filed: October 25, 2001

For: METHOD AND APPARATUS FOR
FILTERING UNWANTED NOISE WHILE
AMPLIFYING A DESIRED SIGNAL

Examiner: Dole, T. J.
Art Unit: 2858

83277-305534

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PETITION UNDER 37 C.F.R. 1.181(a) REQUESTING WITHDRAWAL
OF THE HOLDING OF ABANDONMENT

Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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MAY 15 2004

TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER

Dear Sir:

On October 21, 2003, Applicant received a Notice of Abandonment stating that the above-identified application became abandoned for failure to file a timely and proper response to an Office Action mailed April 1, 2003. Applicants hereby petition, pursuant to 37 C.F.R. 1.181(a) for withdrawal of the holding of abandonment.

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Applicants' petition is made on the grounds that Applicant filed, on September 30, 2003, a response to the Office Action dated April 1, 2003. The due date for response to which was extended to October 1, 2003, by virtue of an accompanying Petition for Extension of Time.

Applicant also filed an accompanying Power of Attorney, directing future communications regarding this application to:

Roger R. Wise
Pillsbury Winthrop LLP
725 S. Figueroa Street, #2800
Los Angeles, CA 90017
Telephone: (213) 488-7100
Facsimile: (213) 629-1033

After the filing of the response, Applicant received a post card stamped and dated October 3, 2003 by the PTO indicating that the Amendment, Letter of Transmittal, Petition for Extension of Time, and accompanying Power of Attorney were received on the date stamped thereon.

In addition, Applicant procured a copy of a check dated September 30, 2003 made out in the amount of \$336.00 for fees associated with the Petition for Extension of Time. The reverse side of the copy of the check indicates that the check was cashed by the PTO on October 9, 2003.

To support this petition, Applicant attaches herewith as Exhibit A the postcard stamped and dated October 3, 2003 by the PTO, and Exhibit B a copy of the check cashed October 9, 2003 by the PTO. Applicant also encloses a copy of the Notice of Abandonment, and copies of the Amendment, Letter of Transmittal, Petition for Extension of Time, and accompanying Power of Attorney that were deposited with the United States Postal Service on September 30, 2003.

Applicant respectfully submits that the foregoing facts establish that Applicant filed a timely response to the Office Action. On these grounds, Applicant respectfully submits that a withdrawal of the holding of abandonment is proper.

Applicants believe there is no dispute as to whether the application is abandoned. Therefore, Applicants believe no fee is required but authorizes the Commissioner to charge deposit account 16-1805 if required.

If for any reason the Examiner requires additional information on which to base the decision of withdrawal, the Examiner is invited to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100.

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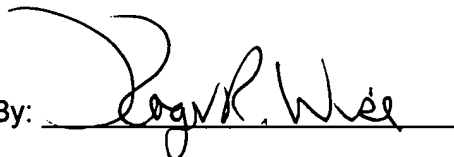
OFFICE OF PETITIONS

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: December 10, 2003

By:



Roger R. Wise
Registration No. 31,204

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033

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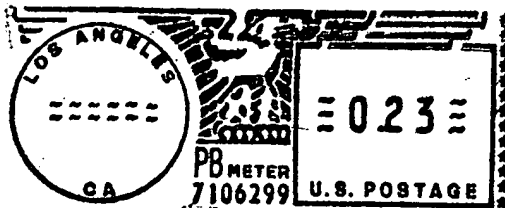
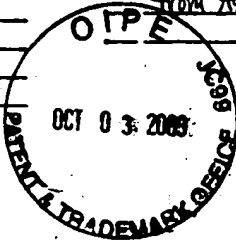
S.N. 10/057,752 File No. 83277-305534 Date Mailed 9-30-03 By: SBC/KAW/ah

Title: METHOD AND APPARATUS FOR FILTERING UNWANTED NOISE....

(Client Name) Tempo Research Corp.

The Following, due 9-30-03 in the U.S. Patent & Trademark Office was received in the Patent & Trademark Office on the date stamped hereon:

<input checked="" type="checkbox"/> Amendment	Drawings: # of Sheets <u> </u>
<input type="checkbox"/> Preliminary Amendment	<input type="checkbox"/> Formal <input type="checkbox"/> Informal
<input type="checkbox"/> PCT Application Including	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Pages Spec. <u> </u> Page Abstract. <u> </u> Claims	<input type="checkbox"/> Letter Re <u> </u>
<input type="checkbox"/> Application for Patent Including	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Pages Spec. <u> </u> Page Abstract. <u> </u> Claims	<input checked="" type="checkbox"/> Petition for <u>Extension of Time</u>
<input type="checkbox"/> Declaration, Affidavit of Oath (<u> </u> Page(s))	<input type="checkbox"/> Advance soft copy order
<input type="checkbox"/> Assign; Ck. No. <u> </u> for \$ <u> </u>	<input type="checkbox"/> Ck. No. <u> </u> for \$ <u> </u>
<input type="checkbox"/> Verified Statement	<input type="checkbox"/> Certified Copy: # <u> </u> of Docs.
<input checked="" type="checkbox"/> Letter of Transmittal	<input type="checkbox"/> IDS: <u> </u> References
<input type="checkbox"/> Maintenance Fee Transmittal	<input checked="" type="checkbox"/> <u>Power of Attorney</u>
<input checked="" type="checkbox"/> Check No. <u>8016946</u> For \$ <u>336.00</u>	<input type="checkbox"/> <u>from Assignee</u>
<input checked="" type="checkbox"/> Check No. <u>806947</u> For \$ <u>930.00</u>	
<input type="checkbox"/> Check No. <u> </u> For \$ <u> </u>	



Attn: Roger R. Wise
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PILLSBURY WINTHROP ~~Pillsbury~~ Winthrop LLP
725 SOUTH FIGUEROA STREET
SUITE 2800
LOS ANGELES, CALIFORNIA 90017-5406
OCT 09 2003

CL# MT#
ATTY(S)
DUE:
DKT BY (1) (2)

50017-5406



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FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND BACK OF THIS DOCUMENT HAS ARTIFICIAL WATERMARK HOLD AT ANGLE TO VIEW



BANK OF AMERICA
345 MONTGOMERY STREET
SAN FRANCISCO, CA 94104

806946

11-35
1210

PILLSBURY WINTHROP

725 S. Figueroa Street, Suite 2800
Los Angeles, CA 90017

DATE	CHECK NUMBER	AMOUNT
09/30/2003	806946	\$336.00

PAY THREE HUNDRED THIRTY-SIX AND 00/100 DOLLARS

PILLSBURY WINTHROP LLP
GENERAL ACCOUNT

TO THE ORDER OF Assistant Commissioner for Patents

Mary Ellen Hatch

VOID AFTER 90 DAYS

806946 0121000358 14993 51222

0000033600

10/14/03 9:43
121000358 II

0520 0027-8
10142003

0520-0027-8 FRB BALTIMO
ENT-4022 TRC-4022 PK-1P

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EXHIBIT "B"



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,752	10/25/2001	Paul R. Siglinger	TEMP 2341000	9522

7590 10/21/2003
Gregory W. Carr
Carr & Storm, L.L.P.
900 Jackson Street, Suite 670
Dallas, TX 75202

EXAMINER

DOLE, TIMOTHY J

ART UNIT PAPER NUMBER

2858

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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OFFICE OF PETITIONS

Notice of Abandonment

Application No.

10/057,752

Examiner

Timothy J. Dole

Applicant(s)

SIGLINGER ET AL.

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

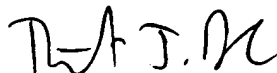
1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 01 April 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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N. Lo

Supervisory Patent Examiner
Technology Center 2800

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.